

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to permitted tandem axle weights and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 511, “Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321E.9A.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 321E.7.

#### *Purpose and Summary*

This proposed rule making adds a new subrule to rule 761—511.13(321,321E) in order to align with Iowa Code section 321E.7, which was amended by 2016 Iowa Acts, chapter 1098, section 35. The proposed amendment implements the statutory requirement that a vehicle operating under a permit issued pursuant to Iowa Code section 321E.8, 321E.9 or 321E.9A may have a gross weight not to exceed 46,000 pounds on a single-tandem axle of the truck tractor and a gross weight not to exceed 46,000 pounds on a single-tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires. The legislative change brought Iowa in closer alignment with surrounding states’ permit-issuing processes.

The proposed subrule provides that no single axle of a tandem group may exceed 24,000 pounds. This limitation is necessary to prevent a tandem axle from having a lopsided weight configuration (30,000 pounds + 16,000 pounds, for example) as a lopsided weight configuration would unduly damage road and bridge infrastructure. The limit of 24,000 pounds aligns with the maximum weight the Department allows for axles currently (except for construction equipment with special tires) and is consistent with the weight limits of other Midwest states.

The proposed subrule also provides that a permitted tandem axle cannot be part of a larger group of axles whose centers are greater than 96 inches apart, which is the maximum length between the centers of consecutive axles in a tandem axle as defined in Iowa Code section 321.1(80). This provision is necessary as the above-referenced legislative change was implemented to allow stand-alone tandem axles, which are typically the back two axles of a truck or trailer, to be permitted at the higher weight. The proposed amendment is not intended to allow a person to select two axles from within a larger group of axles and designate them as the tandem axles. For example, selecting two axles out of a group of three and calling them “tandem” could exceed the weight limits for the larger axle group. This example is further illustrated by considering the fact that a triple-axle maximum weight is 60,000 pounds, while a single-axle maximum weight is 20,000 pounds. Therefore, if a person were able to designate two axles out of the triple axle as a tandem axle, then the person could end up with the designated tandem axle at 46,000 pounds and the single axle at 20,000 pounds. This designation would result in a total weight equal to 66,000 pounds, which exceeds the maximum weight for a triple axle. The proposed amendment, therefore, prevents improper interpretation of the 2016 legislative change that would result in excessive axle weights and unduly damage road and bridge infrastructure and aligns with the Department’s current permitting process. The proposed amendment will provide clarity for both motor vehicle enforcement officers as well as motor carriers.

### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 5, 2019. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

February 11, 2019  
10 a.m.

Department of Transportation  
Motor Vehicle Division  
6310 SE Convenience Boulevard  
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** subrule 511.13(6):

**511.13(6) Permitted tandem axle weights.**

a. Vehicles operating under an annual oversize permit, annual oversize/overweight permit, single-trip permit, or multitrip permit may have a gross weight not to exceed 46,000 pounds on

a single-tandem axle of the truck tractor and a gross weight not to exceed 46,000 pounds on a single-tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires.

*b.* The maximum weight of any single axle within a permitted tandem axle group shall be 24,000 pounds.

*c.* A permitted tandem axle shall not be a part of a larger group of axles whose centers are greater than 96 inches apart.